

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VA
ALEXANDRIA DIVISION

IN RE:
ALTANSARNAI DASHPUREV
Debtor(s)

BCN#: 09-17664-RGM
Chapter: 7

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

or present noteholder,
Movant/Secured Creditor,

v.
ALTANSARNAI DASHPUREV
Debtor(s)

and
KEVIN R. MCCARTHY
Trustee
Respondents

MOTION FOR ORDER
GRANTING RELIEF FROM AUTOMATIC
STAY AND NOTICE OF MOTION AND
HEARING

COMES NOW JPMORGAN CHASE BANK, NATIONAL ASSOCIATION its assignees and/or successors in interest, (Movant herein), by Counsel, and moves this Court for an Order Granting it Relief from the Automatic Stay of 11 U.S.C. Section 362 (a), and in support thereof states as follows:

1. That this Court has Jurisdiction over this contested matter pursuant to 28 U.S.C. Sections 157 and 1334, 11 U.S.C. 362(a), and Federal Rule of Bankruptcy Procedure 9014, and Local Bankruptcy Rule 9014-1, that this matter is a core proceeding.

2. That the above named Debtor(s) filed a Chapter 7 Petition in Bankruptcy with this Court on September 18, 2009.

3. That KEVIN R. MCCARTHY, has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding and is hereby made a party to this proceeding.

4. That Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property with the address of 6145 LEESBURG PIKE 2, Falls Church, VA

22041 and more particularly described in the Deed of Trust dated October 31, 2003 and recorded among the land records of the said city/county, as:

UNIT 6145-207, LAFAYETTE PARK CONDOMINIUM, AND NAY LIMITED COMMON ELEMENTS APPURTENANT THERETO, PURSUANT TO THE DECLARATION RECORDED IN DEED BOOK 5626 AT PAGE 279, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

5. That Movant is informed and believes, and based upon such information and belief, alleges, that title to the subject Property is currently vested in the name of the Debtor(s).

6. The Debtor(s) is/are in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust. The Debtor is due for:

- o 5 monthly payments of \$930.65 each which were to be paid directly to Movant;
- o 5 late charges of \$38.26 each which were to be paid directly to Movant.
- o Property Inspection of \$21.70

7. That as of September 25, 2009, the total amount of the indebtedness owed by the Debtor(s) to the Secured Creditor/Movant is approximately \$115,771.53, based on the Secured Creditor's Proof of Claim filed contemporaneously herewith.

8. That Movant has elected to initiate foreclosure proceedings on the subject Property with respect to the subject Deed of Trust, but is prevented by the Automatic Stay from going forward with these proceedings.

9. That Movant is not adequately protected, and absent this Court's Order allowing Movant to proceed with the foreclosure, Movant's security will be significantly jeopardized and/or destroyed.

10. That Movant is informed and believes, and based upon such information and belief, alleges, that the Debtor has little or no equity in the subject property.

11. That the subject property is not necessary to an effective reorganization of the Debtor(s) estate.

12. That for the reasons stated above, cause exists to terminate the Automatic Stay of 11 U.S.C. § 362(a), pursuant to the provisions of Section 362(d)(1) thereof.

WHEREFORE, your Movant prays that this Court give judgment and enter an Order modifying the Automatic Stay of 11 U.S.C. Section 362 (a) so as to permit Movant and the Trustees under the Deed of Trust to conduct a foreclosure sale of the subject property, to otherwise enforce the lien of its Deed of Trust, to record a Trustee's Deed in execution thereof, and to thereafter take such action as is appropriate to obtain possession of the subject property; and for such further relief as the Court deem just.

Dated: 9-25-09

SHAPIRO & BURSON, LLP
Attorneys for Movant

By: 

Trenita Jackson-Stewart, VSB# 48412
SHAPIRO & BURSON, LLP
236 CLEARFIELD AVENUE, SUITE 215
VIRGINIA BEACH, VA 23462
(757) 687-8777
09-167287D

UNITED STATES BANKRUPTCY COURT
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ALTANSARNAI DASHPUREV
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and
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Trustee
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NOTICE OF MOTION AND HEARING

Please take notice:

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then within fifteen (15) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314, and serve a copy on the movant. Unless a written response is filed and served within this fifteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fifteen day period.

A copy of any written response must be mailed to the following persons:

Trenita Jackson-Stewart, VSB# 48412
SHAPIRO & BURSON, LLP
236 CLEARFIELD AVENUE, SUITE 215
VIRGINIA BEACH, VA 23462

RUSSELL B. ADAMS, III
6718 WHITTIER AV., STE. 200
MCLEAN, VA 22101

ALTANSARNAI DASHPUREV
4606 ASPEN HILL COURT
Annandale, VA 22003

KEVIN R. MCCARTHY
1751 PINNACLE DR., STE. 1115
MCLEAN, VA 22102

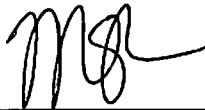
United States Trustee, Region 4
115 South Union Street, Suite 210
Alexandria, Virginia 22314

In order to oppose this motion, you must also attend the preliminary hearing scheduled to be held on: **October 28, 2009 at 9:30 a.m. in Courtroom III**, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: 9-25-09
ASSOCIATION

JPMORGAN CHASE BANK, NATIONAL
ATTORNEYS FOR THE MOVANT



Trenita Jackson-Stewart, VSB# 48412
SHAPIRO & BURSON, LLP
236 CLEARFIELD AVENUE, SUITE 215
VIRGINIA BEACH, VA 23462
(757) 687-8777 09-167287D
Counsel for JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

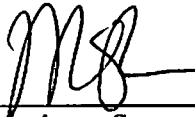
CERTIFICATE OF SERVICE

I certify that I have this 25 day of Sept, 2009, electronically transmitted and/or mailed or hand-delivered a true copy of the Motion For Relief from Automatic Stay and a true copy of the Notice of Motion and Hearing to:

RUSSELL B. ADAMS, III
6718 WHITTIER AV., STE. 200
MCLEAN, VA 22101

KEVIN R. MCCARTHY
1751 PINNACLE DR., STE. 1115
MCLEAN, VA 22102

ALTANSARNAI DASHPUREV
4606 ASPEN HILL COURT
Annandale, VA 22003



Trenita Jackson-Stewart, VSB# 48412
09-167287D

UNITED STATES BANKRUPTCY COURT
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or present noteholder,
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v.
ALTANSARNAI DASHPUREV
Debtor(s)

CONSENT ORDER GRANTING RELIEF
FROM AUTOMATIC STAY

and
KEVIN R. MCCARTHY
Trustee
Respondents

This matter came on to be heard this day upon review of the above-captioned Motion for Relief From Stay and the argument of counsel; and

WHEREAS, it appearing to the Court that the parties are in agreement;

IT IS HEREBY ORDERED that the Automatic Stay of 11 U.S.C. Section 362 (a) is lifted on the real property in the FAIRFAX with the address of 6145 LEESBURG PIKE 2, Falls Church, VA 22041, and more particularly described in the Deed of Trust dated October 31, 2003 and recorded among the land records of the said city/county, as:

UNIT 6145-207, LAFAYETTE PARK CONDOMINIUM, AND NAY LIMITED
COMMON ELEMENTS APPURTENANT THERETO, PURSUANT TO THE
DECLARATION RECORDED IN DEED BOOK 5626 AT PAGE 279, AMONG
THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

Nothing contained herein shall prohibit the Movant from adding reasonable attorney fees and costs incurred in this proceeding to the outstanding indebtedness in accord with the terms of the subject Deed of Trust and Note and applicable state law.

In order to allow the Movant to enforce its rights under applicable State Law with respect to said property; and

IT IS FURTHER ORDERED that upon sale of the above-mentioned property, that all excess proceeds be paid to the Chapter 7 Trustee; and

IT IS FURTHER ORDERED, that subsequent to the foreclosure sale of the subject property, the purchaser may commence any lawful action necessary to obtain complete possession of the subject property without further order of this Court, or any hearing being necessary.

Date: _____

By the Court:

UNITED STATES BANKRUPTCY JUDGE

I ASK FOR THIS:

Trenita Jackson-Stewart, VSB# 48412
Counsel for Movant

SEEN; AGREED TO:

RUSSELL B. ADAMS, III, Counsel for Debtor(s)

SEEN; AGREED TO;

KEVIN R. MCCARTHY, Trustee

I certify that the above Order has been endorsed by RUSSELL B. ADAMS, III, Counsel for Debtor(s) and KEVIN R. MCCARTHY, Chapter 7 Trustee.

Trenita Jackson-Stewart, VSB# 48412
Counsel for Movant

09-167287D

Copies of this order are to be sent to:

SHAPIRO & BURSON, LLP
236 CLEARFIELD AVENUE, SUITE 215
VIRGINIA BEACH, VA 23462

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6718 WHITTIER AV., STE. 200
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